

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 10,465
	)	
Appeal of	)	
	)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her Essential Person (EP) grant. The issue is whether the Department properly took into account the income of the petitioner's daughter in computing her EP eligibility.

FINDINGS OF FACT

The facts are not in dispute. The petitioner is disabled and receives SSI benefits. Because she needed constant care and assistance, the petitioner, in January, 1990, applied to the Department for and was granted EP benefits so that her son could stay with her.

In March 18, 1991, the Department reviewed the petitioner's case and discovered that the petitioner's daughter was now providing her with care and assistance in place of her son. However, the daughter was receiving unemployment compensation of \$500.00 a month. The Department determined that this income placed the petitioner's household over the EP program maximum.

ORDER

The Department's decision is affirmed.

REASONS

Under the pertinent regulations, the "essential person" must be considered a member of the EP "household", and his or her income must be included in determining the household's eligibility for an EP grant. See W.A.M.

§ 2751, 2752, and 2756. In this case, the Department properly applied the above regulations and correctly determined that the household was ineligible. The board is, therefore, bound by law to affirm this decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 19.

There is no question that the petitioner has a medical need for care and assistance. At the hearing the Department offered to assist the petitioner in exploring various alternative funding sources (e.g., Medicaid) for this essential service. The petitioner was also advised that when her daughter's unemployment benefits ran out, she could again apply for EP benefits.

The petitioner is advised that she has a separate right to appeal any other decision by the Department regarding her eligibility for any program. The petitioner is also advised of the free services of the Vermont Office on Aging and Vermont Legal Aid for assistance with any of claims.

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